

**COUNCIL OF THE
PROBATE AND ESTATE PLANNING SECTION
OF THE
STATE BAR OF MICHIGAN**

December 18, 2010
University Club
Lansing, Michigan

Minutes

1. Call to Order

The Chair of the Section, Doug Chalgian called the meeting to order at 10:30 a.m.

2. Attendance

A. The following officers and members of the Council were in attendance:

Doug Chalgian, Chair	Hon. David Murkowski
George Gregory, Chair Elect	Hon. Darlene O'Brien
Mark Harder, Vice Chair	Patricia Ouellette
Tom Sweeney, Secretary	Rick Siriani
Amy Morrissey, Treasurer	James P. Spica
Susan Allan	James Steward
Josh Ard	Bob Taylor
Constance Brigman	Rob Tiplady
Ellen Sugrue Hyman	
Shaheen Imami	
David Kerr	

B. The following officers and members of the Council were absent with excuse:

Robin Ferriby
Meg Lentz
Rebecca Schmelz
Marlaine Teahan

C. The following officers and members were absent without excuse:

D. The following ex-officio members of the Council were in attendance:

Hon. Phillip Harter
Douglas Mielock
Harold G. Schuitmaker

1. With respect to MPRC 3.3 effective January 1, 2011, a motion requesting submission of several questions to the State Bar ethics committee for consideration was unanimously approved by all 19 council members present.
2. With respect to the Updating Michigan Trust Law committee, it was reported that the committee was first focusing on the concept whether and to what extent a self settled trust could be immune from creditor claims.
3. It was reported that the Guardianship/Conservatorship committee was modifying the proposed legislation to adopt the concept of an "application" rather than a petition and that objections after appointment would not automatically suspend a guardian, absent a court order. Upon motion made this concept was unanimously approved by all 19 council members present.
4. There was also a discussion regarding the uncertainty of a guardian's authority with respect to either No Code status or a Do Not Resuscitate order.

4. **Reports of Ongoing Active Committees Involving Special Projects and Active Committees**

A. Legislation

1. Mark Harder reported that the technical corrections to the Michigan Trust Code were awaiting the Governor's signature.
2. Tom Sweeney reported that H.B. 6197 was signed into law on December 15, 2010 as Act 224 of 2010 creating a rebuttable presumption for 2010 decedents in certain cases involving formula instruments.

C. Decanting Irrevocable Trusts

Jim Spica announced that Mark Harder, Meg Lentz, Marilyn Lankfer, Judge Murkowski and Rick Mills had joined this committee.

D. Specialization

Jim Steward reported that the Committee had prepared procedural rules regarding any implementation of the Specialization Pilot Project. There was a lengthy discussion regarding the possible merits and implementation costs of such a project. While there was no clear consensus on the overall merits of specialization used in about 20 states, the Committee was asked to continue its study of this subject and to develop a structure which can be further reviewed by the Council.

E. Others in Attendance

Steve Brey	Michael Lizhterman
Dan Cogan	Rick Mills
John Dresser	Lorraine New
Keven DuComb	Amy Tripp
Steve Dunn	Geoffrey Vernon
Belinda Fitzpatrick	Rachel Zapczynski
Kathleen Goetsch	
Jill Goodell	
Timothy Goodnow	
Mike Jacquette	

3. Internal Governance

A. Minutes of November 11, 2010 Meeting of the Council

Minutes of the November 11, 2010, meeting of the Council had been previously distributed with the Agenda for the meeting. Upon motion by Doug Chalgian with support from Richard Siriani, the minutes were approved by the unanimous vote of the 19 council members present.

B. Treasurer Report

Amy Morrissey distributed a financial report through October 31, 2010 (**Attachment 1**). Ms. Morrissey indicated that the fund balance as of the end of October, 2010 was approximately \$201,421 and that of the budgeted section dues revenue of \$115,000, \$59,080 had been received by the end of October. Ms. Morrissey also reported that the mileage reimbursement for council members would increase to \$.51 per mile in January, 2011.

C. Chairperson's Report

Doug Chalgian reported on the National Award presented to Judge Milton Mack of the Wayne County Probate Court by the Probate Judges Association. He stated that the Council had made a contribution to the Oakwood Health Care Foundation in Judge Mack's honor to recognize this award.

Mr. Chalgian also reported he had appointed Amy Tripp to serve as the Section's representative on a special Bar Committee reviewing the definition of the "practice of law." Jim Steward noted that the Specialization Committee had previously developed language regarding the use of the term in this Section.

D. Report of the Committee on Special Projects

Rick Siriani and Jim Steward reported that the earlier meeting of the CSP:

E. Tax Liaison

Lorraine New and others commented briefly on House of Representatives Bill (HR4853) which, in part, makes substantial changes to the Federal Estate, Gift and Generation Skipping Transfer taxes.

5. Reports of Other Committees As Requested in Advance

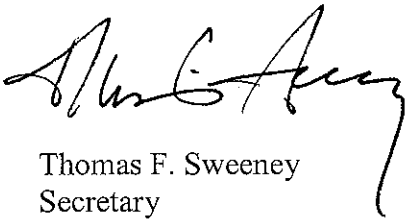
1. Annual Probate Institute

Mark Harder reported that the Speaker's Dinner would be held at the Dennon Art Museum in Traverse City. He was still looking for a corporate sponsor.

6. Adjournment

The meeting was adjourned at 11:55 a.m.

Respectfully submitted



Thomas F. Sweeney
Secretary